

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications)	PS Docket No. 11-153
)	
Framework for Next Generation 911 Deployment)	PS Docket No. 10-255
)	

**REPLY COMMENTS OF THE TEXAS 9-1-1 ALLIANCE
TO THE NOTICE OF PROPOSED RULEMAKING**

THE TEXAS 9-1-1 ALLIANCE

Michael J. Tomsu
Vinson & Elkins L.L.P.
2801 Via Fortuna, Suite 100
Austin, Texas 78746
512-542-8527
512-236-3211 (fax)
mtomsu@velaw.com

On the comments:
Richard A. Muscat
Bexar Metro 9-1-1 Network District

February 9, 2012

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The Texas 9-1-1 Alliance¹ respectfully submits the following reply comments on specific aspects of the evolution towards NG9-1-1 systems and capabilities in response to certain initial comments submitted to the Federal Communications Commission (the “Commission”) Notice of Proposed Rulemaking (“NPRM”).²

I. Executive Summary

As discussed in detail below, some of the initial comments filed in this docket indicated that there may be feasible short-term and/or interim-term texting solutions available for people with disabilities. These proposed solutions should be carefully considered and tested, notwithstanding previously identified SMS-to-9-1-1 limitations. Depending on the outcome of that further consideration and testing and evaluation of costs and other factors, public safety, the disability community, the industry, the various national public safety and industry organizations,

¹ The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of 24 Texas Emergency Communication Districts with E9-1-1 service and public safety responsibility for approximately 53% of the population of Texas. These districts were created pursuant to Texas Health and Safety Code Chapter 772.

² *In the Matter of Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications and Framework for Next Generation 911 Deployment*, PS Docket Nos. 11-153 and 10-255 (rel. Sep. 22, 2011).

and other interested stakeholders may hopefully be able to get closer to reaching a broader consensus for Commission consideration on short-term and/or interim-term solutions for people with disabilities.

Any effort to expand the application of the existing non-service initialized policy beyond its current application only to cellular is a huge undertaking. To the extent that the Commission decides to consider this issue, it should do so in a separate new docket, and only in the context of the other pending non-service initialized cellular policy petition. It is critical that the Commission not let the non-service initialized issue interfere with and delay moving forward on possible short-term and/or interim texting solutions for people with disabilities.

In the initial comments, several commenters (including the Texas 9-1-1 Alliance) asserted significant ongoing concerns that there is still a lack of direction from the Commission on a coherent federal-state regulatory framework for the transition to NG9-1-1. There is substantial uncertainty, disagreement, and confusion on how the Commission views, or may view, NG9-1-1 as far as jurisdictional, regulatory, and statutory matters. For example, an Ohio federal district court, in following its understanding of the Commission's views, indicated in a recent opinion that Section 251(a) of the Federal Telecommunications Act ("FTA") may provide state public utility commissions the statutory authority to address NG9-1-1 matters, including issues on points of interconnection and 9-1-1 call transfers.³

The Commission may have more than one permissible and coherent federal-state regulatory framework approach within its broad public safety and 9-1-1 authority. However, the critical point for prompt Commission attention remains the same: to put forth its preferred coherent federal-state regulatory framework for 9-1-1 IP, ESInets and NG9-1-1. Consistent with

³ *Ohio Bell Tel. Co. v. Public Utilities Com'n of Ohio*, No. 2:09-CV-00918, 2012 WL 32659 (S.D. Ohio, Jan. 6, 2012).

point number four of Chairman Genachowski's five-point plan for NG9-1-1, which provides that the Commission will work with state authorities and governing entities to "develop a coordinated approach to NG911 governance,"⁴ the Texas 9-1-1 Alliance again respectfully requests that the Commission promptly provide additional federal-state regulatory framework guidance for purposes of NG9-1-1 transitions.

II. The short-term and/or interim-term texting solutions justify further testing and careful consideration.

The Texas 9-1-1 Alliance's initial comments supported the Commission's conclusion as stated in the NPRM that Public Safety Answering Points ("PSAPs"), providers, and vendors should continue to have "the option" to implement short-term text-to-9-1-1 alternatives on a voluntary agreed basis. Putting aside the identified limitations of using SMS-to-9-1-1 for emergency services, the Texas 9-1-1 Alliance's initial comments further noted that the current comparison information available showed that SMS Relay for 9-1-1 appeared to have attributes generally enabling the widest and quickest deployment in the short-term for people with disabilities; IP-Relay appeared to have attributes for use on an interim basis; and that mandatory requirements on text-to-9-1-1 for the significantly larger general public population present much more complex operational and technical concerns, potential for abuses, and vastly increased public education needs than the efforts necessary to provide a short-term and/or interim solution for people with disabilities.⁵

In its initial comments, the Texas 9-1-1 Alliance also noted that a direct access TTY solution "[i]n the case of people with disabilities and those infrequent instances where people

⁴ "FCC Chairman Genachowski Announces Five Step Action Plan to Improve the Deployment of Next Generation 9-1-1 (NG911)," Fact Sheet at 1 (Aug. 10, 2011) ("Fact Sheet") http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-309005A1.pdf.

⁵ Texas 9-1-1 Alliance Initial Comments at pp. 4-7.

have valid reasons for not wanting someone to hear them make a 9-1-1 call in an emergency situation, texting to 9-1-1 may not be significantly different to PSAP operations or significantly alter the workload that occurs today with TTYs, given the potential number of callers.”⁶ The initial comments of both Neustar, Inc. (“Neustar”) and TeleCommunications Systems, Inc. (“TCS”) indicated that they believe there may be feasible direct access texting solutions available that can use TTY capabilities. Neustar stated, in relevant part, as follows:

Neustar recognizes that any SMS text-based system, particularly a hybrid system that also includes a TTY component, has shortcomings. Among those with concerns are the National Emergency Number Association (‘NENA’) and the Association of Public Safety Officials (‘APCO’) both expressed quality of service concerns about the use of SMS for emergency communications. Neustar is not aware of any other approach that can be universally deployed as quickly or inexpensively as its solution, particularly not one that connects a consumer directly to a PSAP and provides accurate location information. As noted by the Commission in the Notice, however, a number of commenters on the Notice of Inquiry mentioned that there is a public expectation that SMS-to-911 either is or will be available, and that SMS is a viable interim solution. Although not perfect, Neustar believes that its solution can serve the nation well in the interim until NG911 is deployed.”⁷

TCS stated, in relevant part, as follows:

The TCS near-term SMS to 9-1-1 proposal will work in harmony with existing PSAPs that already have TTY support or those that install a client-based D-IP SMS system that does not require any change to the originating text sender's device or to the PSAP's TTY device. The intermediate network platform will handle all translations both ways.

TCS has demonstrated a D-IP SMS client application that runs in a web browser and gives a PSAP call-taker who has connectivity to the IP messaging network the ability to receive, view, and respond to the SMS 9-1-1 call. The web client provides an interactive map control that accurately displays the determined location of the SMS sender as derived in real time from the sender's handset or carrier network. This approach requires minimal deployment within the PSAP environment and entails only minor disruption to the PSAP, as there would be no

⁶ Texas 9-1-1 Alliance Initial Comments at p. 6.

⁷ Neustar Initial Comments at p. 5 [footnotes in original omitted].

requirement for integration, interoperability, and testing with the existing PSAP CPE. However, a prerequisite for this implementation is internet/IP connectivity at the PSAP call-taker station. Since many PSAPs already have this connectivity, this solution may be viewed by the PSAP community as the easiest and most effective option to receive and respond to SMS.⁸

Intrado provided specific cost information under several different scenarios.⁹ Accordingly, putting aside SMS limitations and obviously excluding non-service initialized devices (as discussed in more detail herein), depending on the outcome of further consideration and testing and evaluation of costs and other factors, public safety, the disability community, the industry, the various national public safety and industry organizations, and other interested stakeholders may hopefully be able to reach broader consensus on possible short-term and/or interim-term solutions for people with disabilities.

III. The Commission should reject letting the non-service initialized issue delay moving forward on possible short-term and/or interim texting solutions for people with disabilities.

The Emergency Access Advisory Committee (“EAAC”) Report and Recommendations at Recommendation T5.6, entitled “Emergency Multimedia Calls Without Service Plan,” urged, “[j]ust like voice calls to 9-1-1 are allowed from phones that have a data-only plan and from phones that have had their services disconnected, all audio, video, and text communications must still be allowed to reach 9-1-1 emergency services, irrespective of whether the service plan normally includes any of these.”¹⁰ The rationale in the EAAC Report is that “... the same considerations as for why voice calls to 9-1-1 must be allowed to complete, irrespective of the service plan, apply here.”

⁸ TCS Initial Comments at pp. 6-7 [footnote in original omitted].

⁹ Intrado Initial Comments at pp. 13-17. In addition, both Neustar and Intrado submitted ex parte filings in these proceedings with additional information on February 6, 2012.

¹⁰ EAAC, *Report and Recommendations to the FCC* at pp. 35-36 (rel. Jan. 26, 2012).

The Texas 9-1-1 Alliance respectfully submits that on the issue of extending the non-service initialized policy to all audio, video and text communications, there are numerous competing policy and other considerations that deserve sufficient attention before this issue is ripe for determination. The first consideration is that the Commission currently has a pending petition and Notice of Inquiry (“NOI”) raising public safety concerns and issues that have yet to be addressed on the non-service initialized cellular policy.¹¹

A wholesale expansion of the existing non-service initialized policy beyond solely cellular is a much bigger and broader issue than texting, NG9-1-1, or the EAAC Report, and it should only be considered, if at all, in its own separate new docket and only in the context of the other pending non-service initialized cellular policy petition. Separate from the pending petition on the non-service initialized cellular policy, some additional factors to consider include, but are not limited to, the following: (1) many states do not apply a non-service initialized requirement to wireline or fixed facilities-based Voice over Internet Protocol (“VoIP”); (2) the Commission does not apply a non-service initialized requirement to over-the-top nomadic VoIP applications; (3) because of competition and the popularity of wireless services, some new homes and construction may not ever have a wireline or fixed facilities-based VoIP provider; (4) services such as Skype do not currently provide 9-1-1; and (5) open access may decrease reasonable consumer expectations that a mere handset is non-service initialized. For all of these reasons and more, it would be tragic for the Commission to let the non-service initialized issue interfere with and delay moving forward on possible short-term and/or interim texting solutions for people with disabilities.

¹¹ *In the Matter of Petition for Notice of Inquiry Regarding 911 Call-Forwarding Requirements and Carriers' Blocking Options for Non-initialized Phones*, PS Docket No. 08-51, Notice of Inquiry, 23 FCC Rcd 6097 (2008).

IV. The Commission should promptly provide additional guidance on the appropriate federal-state regulatory framework for purposes of NG9-1-1 transitions.

The Texas 9-1-1 Alliance in its initial comments reiterated that it is imperative for the Commission to clarify its views on the proper local, state, and federal roles on the transition to NG9-1-1.¹² This is needed for at least two important and timely reasons: (1) there is substantial uncertainty, disagreement, and confusion on how the Commission views, or may view, NG9-1-1 as far as jurisdictional, regulatory, and statutory matters; and (2) the current level of resources and efforts being expended on NG9-1-1-related projects is significant.

It remains unclear how the Commission views, or may view, NG9-1-1 as far as jurisdictional, regulatory, and statutory matters. This issue has been identified previously. For example, in the efforts to build on its original handbook, a later NENA work raised the 9-1-1 IP uncertainty and issues for Commission attention.¹³ While the texting issues related to Docket

¹² See, Texas 9-1-1 Alliance Initial Comments at p. 10 (“States and regions cannot reasonably and fairly be expected to ‘adopt or remove’ regulatory measures associated with the transition from E9-1-1 to NG9-1-1 systems if, as some providers continually assert in regulatory and legal venues, the Commission has pre-empted states and other governing entities on *all* IP-related matters -- which may include IP NG9-1-1 systems. State public utility commissions or 9-1-1 authorities cannot proceed to require providers of NG9-1-1 systems to obtain state certification or authorization as a precondition if such is prohibited and pre-empted by the Vonage Order or other Commission IP proceedings. State public utility commissions or 9-1-1 authorities cannot proceed to arbitrate interconnection disputes associated with wholesale and retail points of interconnection (‘POIs’) involving NG9-1-1 systems and/or IP-interconnection if such is prohibited and pre-empted by the Vonage Order or other Commission IP-related proceedings.”).

¹³ See, NENA, *Next Generation 9-1-1 Transition Policy Implementation Handbook* at p. 10 (June 2011) (“Have you solicited input from all interested stakeholders to determine which rules and regulations may inhibit the evolution of Next Generation technology? In doing so, have you ensured participation by existing 9-1-1 system service providers, as well as new competitive 9-1-1 SSPs? According to the Colorado participants on the call, the state has begun to examine rules for NG9-1-1, but had questions as to whether NG9-1-1 can be regulated within current legislation. Anything having to do with IP telephony cannot be regulated under existing legislation. ... Colorado has issued an RFP of which one task is to examine existing rules and regulations. Stakeholders have had input as to whether NG9-1-1 is subject to regulation. Waiting to see what the FCC does in defining IP telephony. Is it limited to broadband or part of telephony? Will involve stakeholders once that is determined.”) (available at http://www.nena.org/resource/resmgr/ngpp/ng911_transition_policy_hand.pdf).

No. 11-153 received the lion's share of the initial comments, several entities providing comments asserted significant ongoing concerns on the Docket No. 10-255 issues and that NG9-1-1 still lacks a coherent federal-state regulatory framework direction from the Commission. INdigital put the issue as follows: "For Indiana, the barrier to a transitional network – or even for a standards based RFAI or NENA i3 environment is not 'the network' or PSAP readiness. The barrier is the lack of forward looking public policy at the federal level."¹⁴

INdigital's initial comments, in relevant part, also urged:

6). Additionally, and speaking from our own experience, it is clear that to facilitate a transitional E9-1-1 or NG9-1-1 deployment, interconnection arrangements must include 9-1-1 services.

7). The Commission must affirm the intent of Congress that 9-1-1 is a telephone service under the various acts. Individual states would then be capable of taking action under the broader federal initiative. We restate our preference for the approach proposed by the Ohio PUC – which will serve to encourage the modernization of state and local regulatory regimes that are currently barriers to NG9-1-1.

...

10). Summary - The Commission will need to affirm the intent of Congress with regard to categorizing 9-1-1 as a telephone service subject to interconnection agreements and further, to classify non-voice 9-1-1 services as the functional equivalent and supplemental data to E9-1-1 service. These actions are needed before transitional E9-1-1 or NG9-1-1 can fully enter the marketplace.¹⁵

Comptel's initial comments put the issue as follows: "In an effort to promote the availability of full service provider network interoperability required to support NG911, the Commission must make clear that IP-to-IP interconnection agreements are governed by Sections 251 and 252 and that incumbent LECs are obligated to negotiate in good faith interconnection agreements that subsume standardized interfaces, connection points and quality of service and to submit to

¹⁴ INdigital Initial Comments at p. 18.

¹⁵ INdigital Initial Comments at p. 5.

arbitration if unable to agree.”¹⁶ The Texas 9-1-1 Alliance agrees that it is critical for the Commission to clarify its view on these issues.

The current level of resources and efforts being expended on current NG9-1-1 related projects is significant. More notice of change filings for offerings to public safety customers under the Commission’s rules continue to occur regularly, and nationwide there are a number of ongoing conversions from legacy Selective Routers to IP Selective Routers and ESInets.¹⁷

Recently, a federal court that had originally abated a proceeding in the hope of first obtaining the Commission’s views on Section 251 in the context of 9-1-1 matters, ultimately set forth its understanding of the Commission’s views, indicating that Section 251(a) may provide state public utility commissions the statutory authority to address these 9-1-1 matters, including issues on points of interconnection and 9-1-1 call transfers.¹⁸ This may be a significant ruling on

¹⁶ Comptel Initial Comments at pp. 12-13.

¹⁷ Cf., Qwest, Network Disclosure #757, Aug 1, 2011 – Short Term Public Notice Under Rule 51.333(a). ... October 1, 2012 ...all 9-1-1 calls replacing the Qwest legacy E9-1-1 Selective Routers (SRs) ... (available at: www.qwest.com.ai/disclosures/netdisclosure757.html); King County Initial Comments at p. 2.; AT&T, Nov 4, 2011, PUBLIC NOTICE of NETWORK CHANGE UNDER RULE 51.329(a) ... Network (ESInet) from the AT&T Legacy Selective Router (SR) ...(available at https://ebiznet.att.com/networkreg/.../ATT20111104L2_Web.doc):

Description of Reasonably Foreseeable Impact of the Planned Changes:

All originating service providers will be required to route all of their 9-1-1 emergency calls FOR PALM BEACH COUNTY to a new network element called a Legacy Network Gateway (LNG)1, per the LNG list below. The LNG is the Point Of Interface to the AT&T ESInet. This transition will begin July 1, 2012, and all service providers need to complete their transition by January 31, 2013. Future requests for access to these PSAPs will also need to follow this disclosure. Calls destined for PSAPs that are not in Palm Beach County, Florida must continue to go through the legacy SR they go through today.

¹⁸ *Ohio Bell Tel. Co. v. Public Utilities Com'n of Ohio*, No. 2:09-CV-00918, 2012 WL 32659 (S.D. Ohio Jan 06, 2012) at p. 2 (“Intrado offers a novel “Intelligent Emergency Network” [‘IEN’] 9-1-1 service that utilizes an “Internet protocol” technology based network as an alternative to the traditional, ILEC-maintained, wireline-based 9-1-1 systems.”); at p. 5 (“This Court initially reserved ruling on the merits of AT&T’s claims in this action because similar, if not identical, issues to those raised by AT&T here were until very recently before the Federal Communications Commission (“FCC”) for determination in a pending arbitration proceeding involving Defendant Intrado. *See In re Petition of Intrado Communications of Virginia, Inc., et al*, FCC Rcd. 17867 (2008). Given the FCC’s primary jurisdiction and ‘special competence’ in applying and interpreting the Act, this Court decided that it was prudent to

the proper federal-state framework for NG9-1-1 in states such as Texas where there may arguably be a general statutory prohibition on VoIP and/or IP regulation that could apply to NG9-1-1, but for clearly and directly expressed Section 251 exception to the general prohibition and/or legislative intent not to restrict 9-1-1 and NG9-1-1.¹⁹

await the ruling in that case which may have decided this one.”); at p. 27 (“If a competitor LEC can compel interconnection to another competitor LEC under Section 251(a), as the FCC’s Declaratory Ruling in *CRC Communications* states, it follows that an ILEC can be compelled to interconnect with a competitor LEC under Section 251(a) as well. ILECs, after all, have *greater* obligations to interconnect than competitor LECs, not the other way around, as is well-established under the requirements of Section 251. AT&T is, accordingly, mistaken in arguing that Section 251(a) does not provide a basis for compelling interconnection on a competitor ILEC’s network, such as Intrado’s.”); at p. (“PUCO furthermore duly considered AT&T’s objections to the scheme, and even altered its initial ruling in light of AT&T’s concerns. *See* Arbitration Rehearing at *37 (granting AT&T’s application for rehearing “in order to clarify that, as in the previous Intrado arbitration awards, any POI AT&T would have to establish at an Intrado selective router would have to be within AT&T’s service area”). Far from being arbitrary or capricious, PUCO’s order that parties establish reciprocal POIs on both AT&T’s network and on Intrado’s network was demonstrative of a reasonable decision made in light of the evidence and facts presented to it. *See Killian*, 152 F.3d at 520.”); at p. 32 (“The issues regarding the architecture of the network created through AT&T and Intrado’s interconnection agreement, including “inter-selective router trunking” to allow for transfers of calls between PSAPs on different Selective Routers (interoperability), was raised in Intrado’s petition for arbitration. *See, e.g.,* Intrado Petition for Arbitration, TRF Docket No. 90-9348-TP-TRF, at 31-32. The fact that Intrado never asked PUCO to impose this duty on AT&T under Section 251(a), specifically, as AT&T complains, does not mean the issue was not “open” for arbitration pursuant to Section 252(b).”); at p. 33 (“Having established that nothing in the Act prevents PUCO from adjudicating outstanding issues within the Parties’ interconnection agreement arising under Section 251(a), Defendant PUCO’s factual determination that a framework should be established to route calls properly to various PSAPs warrants the utmost deference from this Court. AT&T provides nothing of substance to suggest that PUCO’s decision represents anything but a reasonable structuring of the interconnection terms supported by sufficient evidence in the record.”).

¹⁹ Texas statutes were amended in 2011 by S.B. 980 to provide: “(d) Notwithstanding any other law, a department, agency, or political subdivision of this state may not by rule, order, or other means directly or indirectly regulate rates charged for, service or contract terms for, conditions for, or requirements for entry into the market for Voice over Internet Protocol services or other Internet Protocol enabled services. ... This subsection does not: ... (4) affect any entity’s obligations under Sections 251 and 252, Communications Act of 1934 (47 U.S.C. Sections 251 and 252), or a right granted to an entity by those sections; (5) affect any applicable wholesale tariff; (6) grant, modify, or affect the authority of the commission to implement, carry out, or enforce the rights or obligations provided by Sections 251 and 252, Communications Act of 1934 (47 U.S.C. Sections 251 and 252), or of an applicable wholesale tariff through arbitration proceedings or other available mechanisms and procedures,” codified at Public Utility Regulatory Act, TEX. UTIL. CODE ANN. § 52.002(d)(4-6) (Vernon 2007 & Supp. 2011) (“PURA”). The Texas legislative history of S.B. 980 clarifies that 9-1-1 and NG9-1-1 were not intended to be impacted. H.J. of TEX., 82nd Leg. R.S. 2818 (2011) (S.B. 980 Statement of Legislative Intent), *available at* <http://www.journals.house.state.tx.us/hjrn/82r/pdf/82RDAY68FINAL.PDF#page=20>. This Texas legislative history of S.B. 980 also appears consistent with there being a 251(a) exception as recognized

As a possible alternative to Section 251, the Texas 9-1-1 Alliance in its initial comments suggested that the Commission should build on its recent efforts in the ICC Order and FNPRM on IP-to-IP interconnection²⁰ and enable the transition to NG9-1-1 by clearly and affirmatively declaring that *as long as it is done in a manner consistent with the Commission's deployment goals for transition to NG9-1-1 systems deployments and capabilities*, the following three regulatory framework roles apply as general matters: (1) states and other governing entities are not pre-empted if they are seeking in good faith to implement or modify E9-1-1 regulations that address technical and operational policy, certification, quality and security for NG9-1-1 systems; (2) the declaration in paragraph 1011 of the ICC Order that all carriers are expected to negotiate in good faith in response to requests for IP-to-IP interconnection²¹ applies equally to good faith requests for them to connect to IP ESInets and NG9-1-1 systems; and (3) the same expectation to negotiate in good faith provided for in the ICC Order on IP-to-IP interconnection applies to states and regions requesting that carriers connect to NG9-1-1 systems.²² The Texas 9-1-1 Alliance made the above alternative “good faith” suggested approach in the absence of the Commission consideration of the applicability of Section 251 issue to NG9-1-1 and prior to the recent federal court decision on 251(a). The Commission may have more than one permissible

by the federal court in *Ohio Bell Tel. Co. v. Public Utilities Com'n of Ohio*, No. 2:09-CV-00918, 2012 WL 32659 (S.D. Ohio Jan 06, 2012).

²⁰ *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, FNPRM at ¶¶1335-1339 (rel. Nov. 18, 2011).

²¹ ICC Order at ¶1011 (“In particular, even while our FNPRM is pending, we expect all carriers to negotiate in good faith in response to requests for IP-to-IP interconnection for the exchange of voice traffic”); see also FNPRM at ¶1335 and at ¶1341.

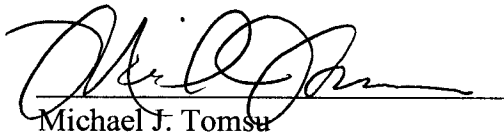
²² Texas 9-1-1 Alliance Initial Comments at pp. 12-13.

and coherent federal-state regulatory framework approach within its broad public safety and 9-1-1 authority (*e.g.*, 251(a), “good faith” IP). However, the critical point remains the same: the Commission needs to put forth its preferred coherent federal-state regulatory framework for 9-1-1 IP, ESInets and NG9-1-1.

Today in almost all other telecommunications service and information service federal and state regulatory matters, there may be much current tension and potential for controversy and lengthy multi-year appeals between federal and state regulators and broad and strong policy disagreements on matters related to IP. The recent USF/ICC Order is perhaps one such example. Protecting the public’s safety is a different matter, and it must always be a different matter. Among federal, state, regional, and local governments that serve the public, there should always be much overwhelming broad policy agreement and comity to protect the safety of the general public and ensure the 9-1-1 emergency telephone number remains technologically up-to-date and available. As such, consistent with point number four of Chairman Genachowski’s Fact Sheet for NG9-1-1, which provides that the Commission will work with state authorities and governing entities to “develop a coordinated approach to NG911 governance,” the Texas 9-1-1 Alliance respectfully reiterates its request that the Commission promptly provide additional federal-state regulatory framework guidance and address potentially erroneous assumptions that may be occurring nationwide on these issues for purposes of NG9-1-1 transitions.

The Texas 9-1-1 Alliance appreciates the opportunity to submit reply comments on these extremely important matters.

Respectfully submitted,



Michael J. Tomsu
Vinson & Elkins L.L.P.
2801 Via Fortuna, Suite 100
Austin, Texas 78746
512-542-8527
512-236-3211 (fax)
mtomsu@velaw.com

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